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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 DAVION DILLIHUNT,) NO. ED CV 12-1049-E
12 Plaintiff,)
13 v.) ORDER OF DISMISSAL
14 MICHAEL J. ASTRUE, COMMISSIONER)
15 OF SOCIAL SECURITY,)
16 Defendant.)
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18 Plaintiff filed this social security action on July 11, 2012.
19 The parties consented to proceed before a United States Magistrate
20 Judge on August 24, 2012. Defendant filed an Answer on November 19,
21 2012.
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23 In accordance with the "Order," filed July 13, 2012, Plaintiff's
24 motion for summary judgment or remand was due thirty days after the
25 filing of Defendant's Answer. Defendant's Answer was filed on
26 November 19, 2012, but Plaintiff failed to file a motion for
27 summary judgment or remand within thirty days thereafter.
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1 By Minute Order filed January 7, 2013, the Court observed that
2 Plaintiff's motion for summary judgment was overdue. The same Order
3 required Plaintiff to file within twenty (20) days of January 7, 2013,
4 a motion for summary judgment or a declaration signed under penalty of
5 perjury attempting to show cause, if there be any, why this action
6 should not be dismissed for failure to prosecute. The Court cautioned
7 that "[f]ailure timely to comply with this order will be deemed
8 consent to the dismissal of this action." Nevertheless, Plaintiff
9 failed to comply with the January 7, 2013 Minute Order within the
10 allotted time.

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12 In view of the circumstances discussed above, this action is
13 dismissed without prejudice for failure to prosecute and failure to
14 comply with the Court's orders to file a timely motion for summary
15 judgment or remand. See Link v. Wabash, R.R., 370 U.S. 626, 629-30
16 (1952) (court has inherent power to achieve the orderly and
17 expeditious disposition of cases by dismissing actions for failure to
18 prosecute); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir.),
19 cert. denied, 506 U.S. 915 (1992) (court may dismiss action for

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1 failure to comply with a court order, after the court considers the
2 appropriate factors);¹ see also Fed. R. Civ. P. 41(b).

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4 LET JUDGMENT BE ENTERED ACCORDINGLY.

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6 DATED: March 1, 2013.

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8 _____/S/_____
9 CHARLES F. EICK
10 UNITED STATES MAGISTRATE JUDGE
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26 ¹ The Court has considered the appropriate factors
27 recited in Ferdik v. Bonzelet and has concluded that dismissal
28 without prejudice is appropriate. In particular, any less
drastic alternative would not be effective under the
circumstances of this case.